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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Fifty-first session
Working Group on Minorities
Fifth session
Geneva, 25-31 May 1999

ANNOTATIONS TO THE DRAFT PROVISIONAL AGENDA

Note by the Secretary-General

Introduction

1. The establishment of the Working Group on Minorities was recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its resolution 1994/4 of 19 August 1994 and authorized by the Commission on Human Rights in its resolution 1995/24 of 3 March 1995, in which it called upon the Sub-Commission to examine, as a matter of priority, ways and means to promote and protect effectively the rights of persons belonging to minorities as set out in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities of 18 December 1992. For that purpose it authorized the Sub-Commission to establish an inter-sessional working group. This resolution was subsequently endorsed by the Economic and Social Council in its resolution 1995/31 of 25 July 1995. By decision 1998/246 of 30 July 1998, the Economic and Social Council extended the mandate of the Working Group with a view to its holding one session of five working days annually.

2. The fifth session of the Working Group is scheduled to be held at the United Nations Office at Geneva from 25 to 31 May 1999.

1. Adoption of the agenda

3. The provisional agenda for the fifth session of the Working Group contained in document E/CN.4/Sub.2/AC.5/1999/1 includes items on the promotion of the rights of persons belonging to minorities as set out in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. The Commission on Human Rights, in its resolution 1995/24, requested the Working Group to give priority consideration to the three main items contained in paragraph 9 of that resolution, namely:

(a) To review the promotion and practical realization of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

(b) To examine possible solutions to problems involving minorities, including the promotion of mutual understanding between and among minorities and Governments;

(c) To recommend further measures, as appropriate, for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities.

4. In accordance with the above-mentioned paragraph, the Working Group decided to consider, at its present session, the following issues in the following order: reviewing the promotion and practical realization of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities; examining possible solutions to problems involving minorities, including the promotion of mutual understanding between and among minorities and Governments; recommending further measures, as appropriate, for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities; the future role of the Working Group; and other matters.

2. Organization of work

5. It is envisaged that the number of meetings for each agenda item will be as follows: five meetings for agenda item 3 (a); two meetings for agenda item 3 (b); two meetings for agenda item 3 (c); and one meeting for agenda items 4 and 5.

3. (a) Reviewing the promotion and practical realization of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

6. In accordance with paragraph 108 (d) of the report of the Working Group at its fourth session (E/CN.4/Sub.2/1998/18), the Working Group decided that the working paper containing the Commentary to the Declaration (E/CN.4/Sub.2/AC.5/1998/WP.1) would be submitted to Governments, agencies and non-governmental organizations for comments and suggestions on the scope and content of the principles contained therein, as a means to continue the discussion at its present session. The compilation of the responses received is contained in document (E/CN.4/Sub.2/AC.5/1999/WP.1).

7. In accordance with paragraph 108 (a) of document E/CN.4/Sub.2/1998/18, the Working Group has before it the working papers prepared by Mr. Bengoa on the existence and recognition of minorities (E/CN.4/Sub.2/AC.5/1999/WP.2) and by Mr. Eide on citizenship and the rights of non-citizens (E/CN.4/Sub.2/AC.5/1999/WP.3).

(i) At the national level

(a) Constitutional and main legal provisions protecting the existence and identity of minorities (art. 1.1);

(b) The right of persons belonging to minorities to enjoy their own culture (art. 2.1);

(c) The right of persons belonging to minorities to profess and practise their own religion (art. 2.1);

(d) The right of persons belonging to minorities to use their own language, in private and in public, freely and without interference or any form of discrimination (art. 2.1);

(e) Effective participation by persons belonging to minorities including in: (i) cultural, religious, social, economic and public life (art. 2.2); (ii) decisions at the national and regional level concerning the minority to which they belong or the regions in which they live (art. 2.3); the economic progress and development in their country (art. 4.5). In accordance with paragraph 108 (1) of document E/CN.4/Sub.2/1998/18, the Working Group has before it the working paper prepared by the European Centre for Minority

Issues (Germany) on a seminar held in Flensburg, Germany, from 30 April to 2 May 1999 on the political participation of minorities (E/CN.4/Sub.2/AC.5/1999/WP.4);

(f) The right of persons belonging to minorities to establish and maintain their own associations (art. 2.4);

(g) Measures taken so that persons belonging to minorities may have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue (art. 4.3);

(h) The value and content of intercultural education in providing persons belonging to minorities with adequate opportunities to gain knowledge of the society as a whole (art. 4.4) and in fostering reciprocal understanding and tolerance among all groups. In accordance with paragraph 108 (a) of document E/CN.4/Sub.2/1998/18, the Working Group has before it the working paper prepared by Mr. Mehedi on intercultural education (E/CN.4/Sub.2/AC.5/1999/WP.5);

(i) The need to pay due regard for the legitimate interests of persons belonging to minorities in national policies and programmes (art. 5.1).

(ii) <u>At the regional level</u>

(a) Programmes of cooperation and assistance among States to pay due regard to the legitimate interests of persons belonging to minorities (art. 5.2);

(b) Regional mechanisms for minority protection. In accordance with paragraph 108 (a) of document E/CN.4/Sub.2/1998/18, the Working Group has before it the working paper prepared by Mr. Kartashkin on the universal and regional mechanisms for minority protection (E/CN.4/Sub.2/AC.5/1999/WP.6).

(iii) <u>At the international level</u>

(a) The role of the treaty bodies;

(b) The role of the Special Rapporteurs;

(c) The role of the United Nations bodies and specialized agencies;

(d) The role of non-governmental organizations.

3. (b) Examining possible solutions to problems involving minorities including the promotion of mutual understanding between and among minorities and Governments

8. Under this item, it was decided by the Working Group to discuss the following:

(a) Examination of the causes and nature of the problems affecting minorities and group accommodation, and their possible solutions, including:

(i) The legacies of the slave trade on the black communities throughout the Americas;

(ii) Issues relating to the forcible displacement of populations;

(b) The role of the media and the protection of minorities. The Working Group has before it the working paper on the seminar held on 22 and 23 May 1998 on this subject (E/CN.4/Sub.2/AC.5/1998/WP.3);

(c) National recourse and conciliation machineries, including national commissions or councils, community mediation and other forms of voluntary dispute avoidance or settlement, and mechanisms for dialogue between and among minorities and Governments. In accordance with paragraph 108 (a) of document E/CN.4/Sub.2/1998/18, the Working Group has before it the working paper prepared by Mr. Sorabjee on conflict prevention in situations involving minorities (E/CN.4/Sub.2/AC.5/1999/WP.7).

(d) Prevention and early warning mechanisms.

3. (c) Recommending further measures, as appropriate, for the promotion and protection of persons belonging to national or ethnic, religious and linguistic minorities

9. It was decided that the Working Group would continue to call on observers to consider further measures for the protection of persons belonging to minorities which could act as examples or be replicated. In accordance with paragraph 108 (g) of document E/CN.4/Sub.2/1998/18, the Working Group has before it the working paper on a feasibility study on the establishment of a database on minority issues (E/CN.4/Sub.2/AC.5/1999/WP.8).

4. The future role of the Working Group

10. The Working Group recommended that it should, in accordance with its mandate, continue to act as a forum for dialogue and exchange of ideas, information and experiences with a view to the elaboration of proposals for constructive group accommodation and further measures to promote and protect the rights of persons belonging to minorities. The Working Group has before

it the working paper prepared by the International Centre for Ethnic Studies (Sri Lanka) on the future role of the Working Group (E/CN.4/Sub.2/AC.5/1999/WP.9).

5. Other matters

11. Under this item, members of the Working Group may consider a range of issues relating to its mandate and its activities. The Working Group may also have before it further working papers, if prepared in time.